

KENTUCKY OFFICE OF ALCOHOLIC BEVERAGE CONTROL
1003 TWILIGHT TRAIL
FRANKFORT, KENTUCKY 40601-8400
(502) 564-4850 Phone
(502) 564-1442 Fax

**INSTRUCTIONS FOR “DISTILLED SPIRITS AND WINE BRAND” REGISTRATION FORM
#715**

1. SUPPLIER – Name of supplier (including phone and fax numbers)
2. ADDRESS – Complete mailing address (including street, city, state & zip code)
3. SUPPLIER'S PERMIT NUMBER –Federal permit # (and contact person)
4. AUTHORIZED SIGNATURE – Original authorized signature of Supplier & date.
5. WHOLESALER'S NAME – Name, phone, and fax numbers of Wholesaler.
6. ADDRESS – Complete mailing address of Wholesaler (including street, city, state, zip)
7. WHOLESALER'S PERMIT NUMBER – Federal & State permit #'s (& contact person)
8. AUTHORIZED SIGNATURE - Original authorized signature of wholesaler & date.
9. BRAND NAME – Brand name to be handled by the above wholesaler (**including all current approved brands and new brands** being added.)

- Please type or print legibly.
- You may mail or fax one completed and signed form
- New brand registration forms should be completed and filed with this Department: (1) when the supplier name changes, (2) when the wholesaler changes, (3) when any new brands are added, or (4) when a brand is deleted.)
- Please “Note” if you are sending representatives into Kentucky to solicit your Brands, you must also complete Schedule “A” and obtain a separate Agent’s or Solicitor’s license for each individual.

KENTUCKY DISTILLED SPIRITS & WINE WHOLESALERS

Bacchus Wine & Spirits LLC 414 Baxter Ave.- Celler 3 Louisville, Ky. 40204-1199	Ishkanian and Sons, Inc. 825 South Floyd Street Louisville, Ky. 40203
Bluegrass Beverage Company Z & S Distributors 1422 Chesapeake St. Covington, Ky. 41011	Kutting Edge Selections, Inc. DBA: Cutting Edge Selections 928 Willow Run Covington, Ky. 41011
Bluegrass-Catalunya Int. Inc. DBA. Bluegrass-Catalunya Int. Inc. 3214 E. Blue Lick Rd. Shepherdsville, Ky. 40165	Mendoza Vino, LLC DBA. Mendoza Vino Distributing Co. 1050 Enterprise Dr. Lexington, Kentucky 40510
Bryant Distributing Co., Inc. 1201 East 18 th . St. Owensboro, Ky. 42302-1078	Mo Moorman Distributors Inc 4401 Produce Rd. Louisville, Kentucky 40218
Bryant Distributing Co., Inc. 7849 National Turnpike Louisville, Ky., 40214	Perry Distributors, Inc. 162 2 nd . Street Hazard, Ky. 41701
Bryant Distributing Co., Inc, 108 West Hampton Dr. Lexington, Ky. 40510	Solera Imports 136 E. 5 th . St. Newport, Ky. 41701
Clark Distributing Co. 2848 N. Main St. Hazard, Ky. 41701-2022	Southern Wine & Spirits of Ky. Inc. 2801 Constant Comment Dr. Louisville, Ky. 40299
Clark Distributing Co. 409 George Rd. Betsy Layne, Ky. 41605	Southern Wine & Spirits of Ky., Inc. 101 Mercer St. Lexington, Ky. 40511
Commonwealth Wine & Spirits LLC 2300 Stanley Gault Pkwy, Lou, Ky. 40223 PO Box 19829 Louisville, Ky. 40259-0829	Stagnaro Distributing Co. DBA. Dennert distributing 1600 Dolwick Dr. Erlanger, Ky. 41018-3588
Country Vintner of Kentucky 105 Corporate Dr., Suite A & B Frankfort, Kentucky 40601	Strong Sprits, Inc 1010 Withrow Court, Office E Bardstown, Kentucky 40004
H. Dennert Distributing Corp. DBA. H. Dennert Distributing Corp 1445 Jamike Drive Erlanger, Ky. 41018	Supervine Wine, LLC DBA. Supervine Wine Company 2464 Fortune Dr. Suite 176 Lexington, Ky. 40509
Heidelberg Distributing Company of Northern Ky. 101 W 13th. Street Covington, Kentucky 41011	Vanguard Wine, Inc. 7932 Tanners Gate Ln. Florence, Ky. 41042
Horizon Wine & Spirits of Ky. LLC 6421 New Cut Rd. Louisville, Ky. 40118	Vintner Select, Inc. 610 Orchard St. Newport, Ky. 41701
	Wine Select of Kentucky 545 South Sprint St. Lexington, Kentucky 40508

244.165 Unlawful sale and shipment by out-of-state seller directly to a Kentucky consumer -- Penalty.

(1) It shall be unlawful for any person in the business of selling alcoholic beverages in another state or country to ship or cause to be shipped any alcoholic beverage directly to any Kentucky resident who does not hold a valid wholesaler or distributor license issued by the Commonwealth of Kentucky.

(2) Any person who violates subsection (1) of this section shall, for the first offense, be mailed a certified letter by the department ordering that person to cease and desist any shipments of alcoholic beverages to Kentucky residents, and for the second and each subsequent offense, be guilty of a Class D felony.

Effective: July 15, 1996

History: Created 1996 Ky. Acts ch. 72, sec. 1, effective July 15, 1996.

244.167 Unlawful acts relating to wholesalers or distributors -- Definition of "primary source of supply".

(1) It is unlawful:

(a) For any distiller, rectifier, vintner, brewer, or importer to solicit, accept, or fill any order for any distilled spirits, wine, or malt beverage from any wholesaler or distributor in the Commonwealth of Kentucky unless the supplier is the primary source of supply for the brand of alcoholic beverage sold or sought to be sold.

(b) For any wholesaler, distributor, or any other licensee in this Commonwealth to order, purchase, or receive any alcoholic beverage from any supplier unless the supplier is the primary source of supply for the brand ordered, purchased, or received.

(c) For a retailer to order, purchase, or receive any distilled, vinous, or malt alcoholic beverage from any source other than any of the following:

1. A wholesaler or distributor who has purchased the brand from the primary source of supply.

2. A wholesaler or distributor who is the designated representative of the primary source of supply in this Commonwealth and who has purchased the alcoholic beverage from the designated representative of the primary source of supply within or without this Commonwealth.

(d) For alcoholic beverages to be transported from a wholesaler's or distributor's warehouse within twenty-four (24) hours of the time they are unloaded.

(2) The Department of Alcoholic Beverage Control may suspend for a period not to exceed one (1) year the license of any wholesaler, distributor, or retailer who violates the provisions of this section.

(3) Upon determination by the Department of Alcoholic Beverage Control that a primary source of supply has violated the provisions of this section, no wholesaler, distributor, or retailer may accept any shipment of alcoholic beverages from the primary source of supply for a period of one (1) year.

(4) For the purposes of this section, "primary source of supply" or "supplier" means the distiller, producer, brewer, owner of the commodity at the time it becomes a marketable product, bottler, or authorized agent of the brand owner. In the case of imported products, the primary source of supply means either the foreign producer, owner, bottler, or agent of the prime importer from, or the exclusive agent in, the United States of the foreign distiller, producer, bottler, or owner.

Effective: July 15, 1996 **History:** Created 1996 Ky. Acts ch. 72, sec. 2, effective July 15, 1996.

244.230 Federal regulations adopted relating to labeling and standards of fill -- Labeling when manufactured outside country.

(1) KRS 244.260 and 244.340 notwithstanding, the regulations of the Bureau of Internal Revenue in the United States Department of the Treasury, as they are now or may be hereafter, with respect to the labeling and standards of fill of distilled spirits and wine in their original sealed packages, are adopted and any distilled spirits and wine shall be deemed to be properly labeled under all the laws of this state, if the labels and standards of fill conform to those regulations.

(2) Distilled spirits not produced or bottled in the United States shall be labeled in the same manner that distilled spirits produced or bottled in this state are required to be labeled.

(3) Subsections (1) and (2) shall not prevent the department from promulgating regulations on this subject that are in addition to but not contrary to the regulations of the Bureau of Internal Revenue in the United States Department of the Treasury.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 123, sec. 2, effective July 13, 2004. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-170.

244.440 Registration of wholesalers authorized to handle particular brands.

(1) Every resident and nonresident distiller, rectifier, blender or vintner and nonresident wholesaler who owns or has an exclusive interest in any particular brands, which are intended for sale or sold in this state, shall register on a form to be provided by the department, the names of the wholesalers in this state to whom distributing rights have been granted on one or more or all of the brands of distilled spirits or wine offered for sale or sold in this state.

(2) No distiller, rectifier, blender or vintner shall offer to sell or sell, and no wholesaler shall offer to purchase or purchase, any brands which have not been registered as provided by this section.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2554e-8, 2554e-9.

243.340 Business authorized by special agent's or solicitor's license -- Form.

A special agent's or solicitor's license may be issued to a duly authorized representative, employee, or agent of, or solicitor for a distiller, rectifier, vintner, or wholesaler licensed in Kentucky or by the state of his residence and by the United States if a resident therein. The license shall authorize the licensee to offer for sale and to solicit orders for the sale of any alcoholic beverage sold by a distiller, rectifier, vintner, or wholesaler who is licensed in Kentucky or who is a nonresident. The license shall set forth the name, address, and, unless the vendor is a nonresident, the license numbers of the vendors the agent or solicitor represents, as well as the name, address, and license number of the agent or solicitor. An agent or solicitor shall not represent any vendor or licensee whose name does not appear upon the license or the application for the license.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 121, sec. 17, effective July 15, 1998. -- Amended 1984 Ky. Acts ch. 164, sec. 1, effective July 13, 1984. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-127.

244.280 Peddling prohibited.

No licensee under KRS 243.030 nor any of his agents, servants, or employees shall peddle any alcoholic beverages from house to house, by any means, where the sale is consummated and delivery made concurrently at the residence or place of business of the consumer.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 289, sec. 4, effective July 14, 2000. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-158.

804 KAR 4:020. Nonresident, special agent or solicitor.

RELATES TO: KRS 243.030, 243.340

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 243.340 establishes the conditions under which an agent's or solicitor's license will be issued. This administrative regulation confirms that a nonresident agent or solicitor who holds a similar license in another state or whose manufacturer, vintner, or wholesaler is licensed by another state or the federal government, may be issued a similar license in the State of Kentucky under the terms of the administrative regulation.

Section 1. A special agent's or solicitor's license may be issued to a nonresident of this Commonwealth, which authorizes such nonresident to represent a manufacturer, vintner, or wholesaler who is licensed by another state and by the federal government, provided such nonresident has been issued a license by another state conferring privileges similar to a special agent's or solicitor's license authorized by KRS 243.340. In the event the state of residence of the applicant does not issue a similar license, the application filed with the Department of Alcoholic Beverage Control must have the approval of the alcoholic beverage control agency of the state of his residence. (ABC 3:20; 1 Ky.R. 354; eff. 2-5-75.)

804 KAR 4:240. Registration of brands.

RELATES TO: KRS 241.060, 244.440

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060 empowers the board to adopt reasonable administrative regulations governing the traffic of alcoholic beverages. KRS 244.440 requires that distillers, rectifiers, blenders or vintners and nonresident wholesalers having exclusive interest in any particular brand to be sold in the state to register those brands on a form provided by the Department in the name of the wholesalers distributing the brands. This administrative regulation establishes the specific form to be used for the registration.

Section 1. The Alcoholic Beverage Control Board prescribes the following form to be used for the registration of brands pursuant to KRS 244.440.

ABC Form 715

DISTILLED SPIRITS AND OR WINE BRAND REGISTRATION

Kentucky Department of Alcoholic Beverage Control

In compliance with KRS 244.440 we hereby register our brands listed herein, which will be distributed by the following named Kentucky wholesaler(s).

Supplier:

Address:

Telephone Number:

Fax Number:

Name of Contact Person:

License Number (No.):

Authorized Signature:

Date:

Wholesaler:

Address:

Telephone Number:

Fax Number:

Name of Contact Person:

License Number (No.):

Authorized Signature:

BRANDS (All Current & New Brands) (Single Space if Necessary):

BRAND NAME AND TYPE OR CLASS (All Current & New Brands):

(Continue on Reverse)

Supersedes File No.: (of the last Ky. ABC approved brand registration form)

Effective Date:

This File No:

Submit one (1) copy.

Filed with LRC: September 15, 2003

Effective: January 5, 2004

DISTILLED SPIRITS AND OR WINE BRAND REGISTRATION

Commonwealth of Kentucky
Office of Alcoholic Beverage Control
1003 Twilight Trail
Frankfort, Kentucky 40601-8400
Phone (502) 564-4850
Fax (502) 564-1442

In compliance with KRS 244.440, we hereby register our brands listed herein, which will be distributed by the following named Kentucky Wholesalers:

1. Supplier (Company Name) _____ (Phone) _____ (Fax) _____
2. Supplier Complete Address _____
3. Supplier's Federal Permit Number _____ (Contact Person) _____
4. Authorized Signature of Supplier _____ Date _____
5. Kentucky Wholesaler Name _____ (Phone) _____ (Fax) _____
6. Wholesaler's Complete Address _____
7. Wholesaler's Federal Permit Number _____ (Contact Person) _____
8. Authorized Signature of Wholesaler _____ Date _____
9. Name of Brands (Please print clearly one Brand per line) (Include ***all current*** approved brands and ***new brands*** being added.)

<i>LIST ALL CURRENT & NEW BRANDS</i>	<i>LIST ALL CURRENT & NEW BRANDS</i>
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SUBMIT OR FAX ONE COPY TO (502) 564-1442.

ABC will send the Kentucky Wholesaler this copy after its approval.
Do not include Distilled Spirits or Wine Labels or BATF Label documentation.

SUPERSEDES FILE NUMBER

EFFECTIVE DATE

THIS FILE NUMBER

[illegible]

DISTILLED SPIRITS AND OR WINE BRAND REGISTRATION

PAGE TWO OF TWO

1. Type or print legibly. After you complete the form, submit or fax one copy to the Kentucky ABC Office. Page one of this form may be reproduced if additional space is needed.
2. You are not required to include labels or BATF documentation.
3. New brand registration forms should be completed and filed with the Ky. ABC Office: (1) when the supplier name changes, (2) when the wholesaler changes, (3) when any new brands are added, or (4) when a brand is deleted.
4. If you are sending representatives into Kentucky to solicit your Brands, you must also complete an ABC Schedule "A" and obtain a separate Agents' or Solicitors' license for each individual.
5. Make yourself aware of the following Kentucky Revised Statutes and Kentucky Administrative Regulations listed below:
 - KRS 244.167 Unlawful acts relating to wholesalers or distributors – Definition of "primary source of supply."
 - KRS 244.230 Federal-labeling regulations adopted – Labeling when manufactured outside country.
 - KRS 244.440 Registration of wholesalers authorized to handle particular brands.
 - KRS 243.340 Business authorized by special agent's or solicitor's license – Form.
 - KRS 244.280 Peddling prohibited.
 - 804 KAR 4:020 Nonresident, special agent or solicitor.
 - 804 KAR 4:240 Registration of brands.

Full copies of these laws and regulations are available through our office or at:

<http://www.lrc.ky.gov>